

McCORRISTON MILLER MUKAI MacKINNON LLP

DAVID J. MINKIN #3639-0  
JESSE J. T. SMITH #9403-0  
Five Waterfront Plaza, 4th Floor  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813  
Telephone No.: (808) 529-7300  
Facsimile No.: (808) 524-8293  
E-mail: minkin@m4law.com  
smith@m4law.com

ALSTON & BIRD LLP

ANGELA M. SPIVEY (*admitted pro hac vice*)  
ANDREW G. PHILLIPS (*admitted pro hac vice*)  
JAMIE S. GEORGE (*admitted pro hac vice*)  
1201 West Peachtree Street, Suite 4900  
Atlanta, Georgia 30309  
Telephone No.: (404) 881-7000  
Facsimile No.: (404) 881-7777  
E-mail: angela.spivey@alston.com  
andrew.phillips@alston.com  
jamie.george@alston.com

Attorneys for Defendant  
KENNEDY ENDEAVORS, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MICHAEL MAEDA and RICK  
SMITH, individually and on behalf of  
all others similarly situated,

Plaintiffs,

vs.

) CIVIL NO. 18-00459 JAO-WRP  
)  
) DEFENDANT'S MOTION TO  
) EXCLUDE THE TESTIMONY OF  
) PLAINTIFFS' EXPERT STEFAN  
) BOEDEKER; MEMORANDUM  
) OF LAW IN SUPPORT;  
) CERTIFICATE OF

KENNEDY ENDEAVORS, INC., a	) COMPLIANCE; CERTIFICATE
corporation; and DOES 1 through 50,	) OF SERVICE
	)
Defendants.	)
	)
	)
	)
	)
	)
	)
	) JUDGE: Hon. Jill A. Otake
_____	) TRIAL: September 27, 2021

**DEFENDANT’S MOTION TO EXCLUDE THE  
TESTIMONY OF PLAINTIFFS’ EXPERT STEFAN BOEDEKER**

Kennedy Endeavors, Inc. (“Defendant”) respectfully moves this Court to exclude the Expert Report of Stefan Boedeker (Dkt. 96-33) and the testimony given at his deposition on December 11, 2020. This Motion is made following the conferences of counsel pursuant to Civil Local Rule 7.8 which took place February 12, 2021.

Defendant’s motion is based upon the grounds set forth in the incorporated Memorandum of Law, submitted concurrently herewith, and the Declaration of Andrew G. Phillips and the exhibits, filed with Defendant’s Response Brief in Opposition to Plaintiffs’ Motion for Class Certification (Dkt. 96), filed on February 22, 2021 (Dkt. No. 118), in addition to any argument or documentary evidence as may be presented at a hearing on this Motion and the complete pleadings and files in this action.

DATED: Honolulu, Hawai‘i, February 22, 2021.

/s/ David J. Minkin

DAVID J. MINKIN

JESSE J. T. SMITH

ANGELA M. SPIVEY (*pro hac vice*)

ANDREW G. PHILLIPS (*pro hac vice*)

JAMIE S. GEORGE (*pro hac vice*)

Attorneys for Defendant

KENNEDY ENDEAVORS, INC.